First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Blueberry First Nation

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MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Blueberry First Nation

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Gary Robinson
Project Manager
Water Management Branch

TABLE OF CONTENTS

LOCATION..... 1

WATER ALLOCATIONS..... 2

HISTORY, CURRENT STATUS AND NOTES..... 2

Blueberry River
History..... 2
Current Status..... 2
Notes..... 3

OTHER INFORMATION..... 3

APPENDICES

TAB NO.:

1 TABLE: Summary of Water Rights Records for the Blueberry River First Nation

2 LICENCES and PLATS
Conditional Licence 33694

3 STREAM REGISTER REPORTS
Blueberry River

4 WATER SURVEY OF CANADA RECORDS
Blueberry River

5 MAPS: Blueberry River Band
i. 1:250,000 map showing both the reserves of the Blueberry River Band.
ii. 1:50,000 map showing Blueberry River Reserve No. 205

FIRST NATIONS WATER RIGHTS REPORT

BAND: Blueberry Band

ADDRESS: PO Box 3009, Buick Creek, BC, V0C 2R0

CHIEF: Chief Joe Apsassin

PHONE: 630-2584 **FAX:** 630-2584

AFFILIATION: Treaty 8 Tribal Association

LOCATION:

The Blueberry River First Nation occupies two reserves in an area located directly north of the town of Fort St. John. The reserves occupy a total land area of 1,505.8 hectares and include:

- Blueberry River 205
- South Parcel of Beatton River 204

Of the Blueberry reserves, water rights have been allocated on:

- **Blueberry River 205**: a 1,148 hectare reserve located northwest of the town of Fort St. John.

The most recent population figures compiled by the Ministry of Finance indicate that the Blueberry River Band has a total population, including registered and non-registered members, living on- and off-reserve, of 262.

The two reserves occur in the Boreal White and Black Spruce Biogeoclimatic Zone. This zone is part of the extensive belt of boreal coniferous forest occurring across Canada. The reserves lie at elevations ranging from 2100 to 2250 feet above sea level, and experience a climate in which average daily temperatures range from lows of -20 degrees centigrade in January, to highs in the order of 20 degrees centigrade in July. Annual rainfall for the area averages between 30 and 50 centimetres.

Water courses of significance include:

- **Blueberry River**: flows northeast, merges with Beatton River and then drains into the Peace River.

WATER ALLOCATIONS:

There are no records of allocations made by either the Indian Reserve Commission, by Order-in-Council of the Lieutenant Governor in Council, or by Order of the Board of Investigation. Further, there have been no actions to amend, cancel, or record as abandoned, licenced rights pursuant to provisions contained in the *Water Act*.

The water rights of the Blueberry River First Nation have been determined by one action of government over the years:

1) The issue of water licences in response to Federal Government applications requesting authorization for the use of water on reserve lands.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Blueberry River Band with respect to Blueberry River are as follows:

Blueberry River:

History:

Oct 1, 1968 In accordance with an application made by the Superintendent of Indian Affairs on behalf of the Blueberry River Band, the Comptroller of Water Rights issued Conditional Water Licence 33694. This licence was assigned a precedence date of October 25, 1967 and authorizes the diversion of 4,500 gallons of water per day from Blueberry River for domestic purpose. The appurtenant lands are defined as Lot 1487 (Blueberry Reserve No. 205), Peace River District.

Current Status:

There are currently four licences active on Blueberry River, one of which is held by the Blueberry River Band. Of these licences:

- 1 authorizes the use of 4,500 gallons of water per day for domestic purpose.
- 1 authorizes the use of 2,000 gallons of water per day for enterprise purpose.
- 1 authorizes the use of 40 acre feet of water per year for irrigation purpose.

- 1 authorizes the use of 10,000 gallons of water per day for dust control purpose.

Conditional Water Licence 33694 is held by the Blueberry River Band, and is first in priority on Blueberry River.

The Water Survey of Canada operated station 07FC003 on Blueberry River from 1964 to 1990. During this period, the station recorded a minimum daily discharge of 0 m^3/sec on February 21, 1980, and a maximum daily discharge of 368 m^3/sec (12995.55 cubic feet/sec) on July 17, 1974. Low mean monthly discharges averaging 0.069 m3/sec, were recorded in February, and rose to a highs of 23.6 m^3/sec in May.

Notes:

1. The allotment of water authorized under Conditional Water Licence 33694 is more than the amount that the Blueberry River First Nation originally applied for.

OTHER INFORMATION:

Groundwater Records:

A review of records maintained by the MELP - Groundwater Section found that no wells have been reported on either of the Blueberry River Reserves. However, as the provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

Alternate Water Sources:

Currently, the potential for water supply from connection to a municipal water system is limited, as there are systems in the proximity of the Blueberry River Reserves.

The flow of Blueberry River through Blueberry River Reserve No, 205 makes it a potential source of water for other purposes.

Summary of Water Rights Records

Blueberry River First Nation

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Blueberry River	1967/10/25	Blueberry River 205	0277261	CL 33694	Current		4,500 GAD/Domestic	CL 33694 - Allocation Volume: In excess of what the Band originally applied for.

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs (Fort St. John Agency) of **OTTAWA, Ontario**

is/are hereby authorized to **divert and use** water as follows:—

(*a*) The source(s) of the water-supply is/are **Blueberry River.**

(*b*) The point(s) of **diversion** is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is **25th October, 1967.**

(*d*) The purpose for which the water is to be used is **domestic.**

(*e*) The maximum quantity of water which may be **diverted is 4,500 gallons a day,**

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be **used is the whole year.**

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is
Lot 1487 (Blueberry Indian Reserve No. 205), Peace River District.

(*h*) The works authorized to be constructed are **pump and pipe,**

and they shall be located approximately as shown on the attached plan.

(*i*) The construction of the said works **has been completed and the water shall be beneficially used on or before the 31st day of December, 1970.**

H. D. DeBeck,
Comptroller of Water Rights.

File No. **0277261** Date issued: **1 October 1968** Conditional Licence No. **33694**

ENTERED ON
Map No. 94A/12
By

WATER RIGHTS BRANCH
DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

ORDER

WATER ACT

Section 15

File No. 0277261

The provisions of the B. C. Water Act having been complied with and being satisfied that no person's rights will be affected, I hereby extend the time for the completion of the works and for making beneficial use of the water authorized under Conditional Water Licence No. 33694 , Blueberry River

to the 31st day of December, 1975

A. K. Sutherland
Deputy Comptroller of Water Rights.

DATED at Victoria, B. C.,
this 26th day of June , 1973

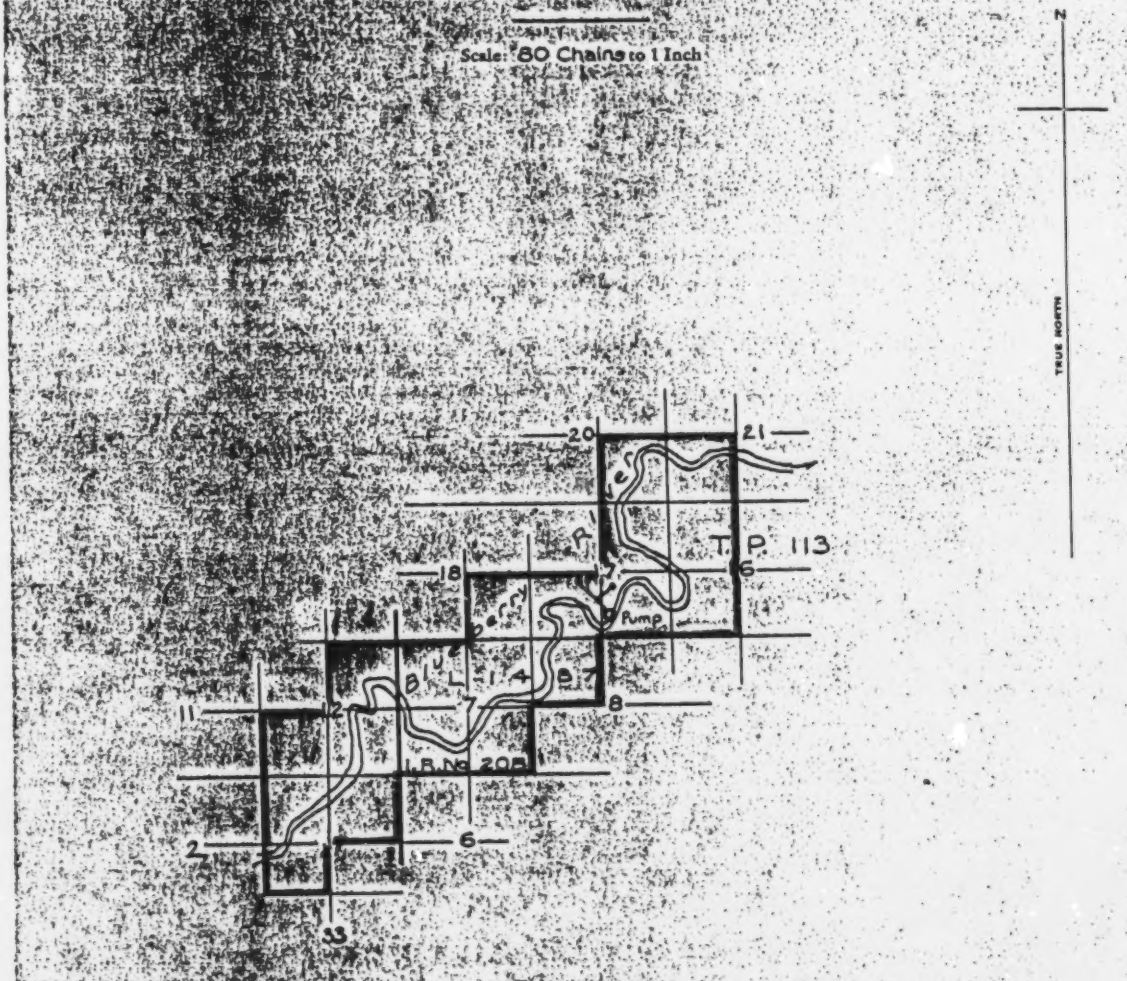
W.R.B. 42

British Columbia

PEACE RIVER WATER DISTRICT

PEACE RIVER DISTRICT

Scale: 80 Chains to 1 Inch



LEGEND

Point of Diversion ..... O

Ref. Map ..... 94-A/NW(c-6)

Pipe .....

The boundaries of the land to which this licence is appurtenant are shown thus: .....

FORT ST. JOHN PRECINCT

Signature .....

Date 1st Oct. 1968

CL 33694

File 0277261

EXHIBIT "A"

Stream Register Report Water Licence Information System

Report Requested By : CROCHA
Date Report Requested : 1996/10/17 09:24
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : M071670 - EE Creek (71670) left of Blueberry River
END POINT : S02412 - Blueberry River right of Beatton River

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
	Source		WR Map	POD RED POD Comments					Prec	
1967/10/25	C033694	0277261	L 1487 (BLUEBERRY IR #205) PEACE R DIST	BLUEBERRY RIVER INDIAN BAND 975-547-6957 BOX 3009 BUICK BC V0C2R0	DOM	4,500.00 GD	Jan 01	Dec 31		
	Blueberry River		WR96.A.075	A N					22B PEA - FORT ST JOHN	
1974/10/15	C108701	0323986	PARCEL A SECTION 25 TWP 88 R 21 W6M P EACE RIVER DISTRICT PLAN PGP 36305	WESTCOAST ENERGY INC BAG SERVICE 6180 MILE 53 ALASKA HWY FORT ST JOHN BC V1J4H7	ENTPR	2,000.00 GD	Jan 01	Dec 31	CAMP	
	Blueberry River		WR96.A.064	A N					22B PEA - FORT ST JOHN	
1976/07/08	C048182	0330942	40 AC OF L 814 PEACE R DIST	MCGHONY HARMOND D 6 - 45175 WELLS RD CHILLIWACK BC V2R3E7	IRR	40.00 AF	Apr 01	Sep 30		
	Blueberry River		WR96A/12h	C N					22B PEA - FORT ST JOHN	
1991/04/05	C103667	7000896	DUST CONTROL PROJECT OF THE LICENSEE WITHIN HWY R/W PEACE RIVER LAND DISTRICT	TRANSPORTATION & HIGHWAYS MINISTRY OF NORTH PEACE DISTRICT 10716 100 AVE FORT ST JOHN BC V1J1Z3	DUST	10,000.00 GD	May 01	Aug 31		
	Blueberry River		WR96.A.063	V N					22B PEA - FORT ST JOHN	
	Blueberry River		WR96.A.064	B N						
	Blueberry River		WR96.A.075	G N						
	Unbech Creek		WR96.A.075	H N						

---------- Total of 4 Licences Reported ----------

BLUEBERRY RIVER BELOW AITKEN CREEK - STATION NO. 07FC003

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
1964	---	---	---	---	---	---	---	---	---	0.604	0.190	0.147	---	1964
1965	0.133	0.144	0.407	42.8	34.2	22.3	5.64	0.209	0.101	0.271	0.127	0.056	8.85	1965
1966	0.053	0.066	0.501	13.9	15.5	8.46	14.3	1.41	1.21	0.343	0.238	0.123	4.10	1966
1967	0.086	0.075	0.079	0.201	45.0	8.01	4.04	1.24	0.180	1.54	0.362	0.184	4.90	1967
1968	0.065	0.078	0.164	1.18	43.1	9.36	3.17	1.37	0.503	0.624	0.402	0.099	3.70	1968
1969	0.031	0.007	0.009	12.6	23.4	5.99	5.34	0.211	15.9	4.26	1.62	0.322	5.82	1969
1970	0.090	0.060	0.106	8.39	22.9	7.81	6.02	0.523	0.151	0.253	0.123	0.044	3.90	1970
1971	0.043	0.033	0.030	15.3	8.99	---	---	---	---	---	0.038	0.037	---	1971
1972	0.074	0.072	0.120	2.89	54.7	8.50	22.5	18.4	2.21	4.47	0.716	0.241	9.70	1972
1973	0.130	0.088	0.204	36.7	21.2	8.86	4.20	0.233	0.309	0.315	0.170	0.151	5.98	1973
1974	0.126	0.125	0.131	28.4	36.7	1.54	26.3	1.85	1.68	1.10	0.535	0.270	8.30	1974
1975	0.141	0.083	0.075	1.32	12.5	4.67	2.22	0.959	0.087	0.103	0.110	0.107	1.88	1975
1976	0.102	0.099	0.111	1.83	2.07	14.7	25.2	58.2	1.91	0.776	0.293	0.174	8.87	1976
1977	0.150	0.078	0.165	9.47	22.9	49.3	3.51	2.12	1.28	0.836	0.398	0.143	7.52	1977
1978	0.106	0.084	0.072	1.91	20.2	4.02	0.230	0.335	0.964	0.513	0.304	0.227	2.44	1978
1979	0.150	0.070	0.250	7.11	8.40	4.49	19.4	3.68	9.75	1.72	0.489	0.085	4.66	1979
1980	0.015	0.004	0.042	2.19	5.59	12.9	4.96	2.43	7.74	2.00	0.819	0.327	3.24	1980
1981	0.199	0.110	0.085	16.4	30.6	6.62	1.65	0.696	0.208	0.357	0.293	0.153	4.81	1981
1982	0.019	0.049	0.100	9.93	38.5	1.56	0.016	0.718	0.132	0.274	0.220	0.165	4.36	1982
1983	0.108	0.063	0.065	10.4	13.4	11.9	6.64	0.501	0.208	0.208	0.120	0.042	3.64	1983
1984	0.027	0.042	0.064	0.857	28.5	30.5	4.48	1.84	4.32	1.38	0.110	0.050	6.01	1984
1985	0.025	0.017	0.046	2.81	4.84	5.93	1.40	0.533	11.2	2.32	0.400	0.187	2.47	1985
1986	0.080	0.041	0.333	10.8	37.2	2.02	9.08	0.602	1.04	1.55	0.329	0.209	5.34	1986
1987	0.079	0.061	0.174	10.8	14.3	14.1	4.82	36.9	1.81	0.409	0.285	0.147	7.05	1987
1988	0.032	0.047	0.116	10.7	33.1	4.25	0.720	0.423	0.108	0.155	0.072	0.109	4.20	1988
1989	0.097	0.040	0.048	13.1	14.9	3.47	1.79	0.683	0.236	0.764	0.274	0.178	2.98	1989
1990	0.105	0.065	0.208	8.58	38.8	27.0	7.35	0.146	0.034	0.132	0.106	0.050	6.92	1990
MEAN	0.087	0.069	0.142	10.8	23.6	10.9	7.36	5.45	2.53	1.05	0.339	0.148	5.26	MEAN

LOCATION - LAT 56 40 38 N DRAINAGE AREA, 1 750 km²
LONG 121 13 15 W NATURAL FLOW

BLUEBERRY RIVER BELOW AITKEN CREEK - STATION NO. 07FC003

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

YEAR	MAXIMUM INSTANTANEOUS DISCHARGE (m^3/s)	MAXIMUM DAILY DISCHARGE (m^3/s)	MINIMUM DAILY DISCHARGE (m^3/s)	TOTAL DISCHARGE (dam^3)	YEAR
1964	---	---	---	---	1964
1965	270 AT 05:30 PST ON JUN 29	205 ON JUN 29	0.054B ON DEC 17	279 000	1965
1966	51.8 AT 02:00 PST ON JUL 02	46.4 ON JUL 02	0.051B ON JAN 05	129 000	1966
1967	123 AT 01:00 PST ON MAY 12	118 ON MAY 12	0.071B ON MAR 23	155 000	1967
1968	70.5 AT 14:00 PST ON MAY 06	69.4 ON MAY 06	0.045B ON DEC 28	117 000	1968
1969	193 AT 15:00 PST ON APR 30	181 ON APR 30	0.005B ON MAR 07	184 000	1969
1970	96.3 AT 10:57 PST ON MAY 29	91.7 ON MAY 29	0.040B ON DEC 25	123 000	1970
1971	530 AT 01:40 PST ON JUN 17 *	286 ON JUN 16	0.025B ON MAR 09	---	1971
1972	204 AT 04:05 PST ON AUG 12	161 ON AUG 12	0.051B ON JAN 01	307 000	1972
1973	85.2 AT 14:00 PST ON APR 23	81.6 ON APR 23	0.074B ON MAR 18	188 000	1973
1974	450 AT 14:40 PST ON JUL 17	368 ON JUL 17 *	0.116B ON JAN 31	262 000	1974
1975	45.3 AT 01:00 PST ON MAY 25	41.3 ON MAY 25	0.066B ON MAR 06	59 300	1975
1976	354 AT 08:32 PST ON AUG 05	277 ON AUG 05	0.093B ON MAR 03	281 000	1976
1977	422 AT 04:30 PST ON JUN 10	345 ON JUN 10	0.108B ON DEC 28	237 000	1977
1978	---	45.9A ON MAY 27	0.071B ON MAR 06	76 900	1978
1979	151 AT 17:03 PST ON JUL 03	129 ON JUL 03	0.037B ON DEC 31	147 000	1979
1980	77.6 AT 18:43 PST ON JUN 18	70.8 ON JUN 18	0 B ON FEB 21 *	103 000	1980
1981	82.9 AT 01:10 PST ON MAY 02	77.0 ON MAY 01	0.039B ON DEC 31	152 000	1981
1982	76.2 AT 10:30 PST ON MAY 04	75.4 ON MAY 04	0 ON JAN 29	138 000	1982
1983	87.3 AT 12:08 PST ON JUN 20	81.3 ON JUN 20	0.031B ON DEC 24	115 000	1983
1984	212 AT 19:40 PST ON JUN 08	195 ON JUN 08	0.008 ON MAY 01	160 000	1984
1985	39.0 ON SEP 16	37.0E ON SEP 16	0.001B ON FEB 10	77 700	1985
1986	108 AT 12:19 PST ON MAY 19	102 ON MAY 19	0.004B ON FEB 19	168 000	1986
1987	334 AT 01:25 PST ON AUG 02	281 ON AUG 02	0.028B ON JAN 28	222 000	1987
1988	233 AT 16:04 PST ON MAY 15	212 ON MAY 15	0.009B ON FEB 03	133 000	1988
1989	46.0 AT 23:23 PST ON MAY 01	40.9 ON MAY 01	0.019B ON MAR 02	93 900	1989
1990	146 AT 13:09 PST ON JUN 01	124 ON JUN 01	0 ON SEP 14	218 000	1990
				166 000	MEAN

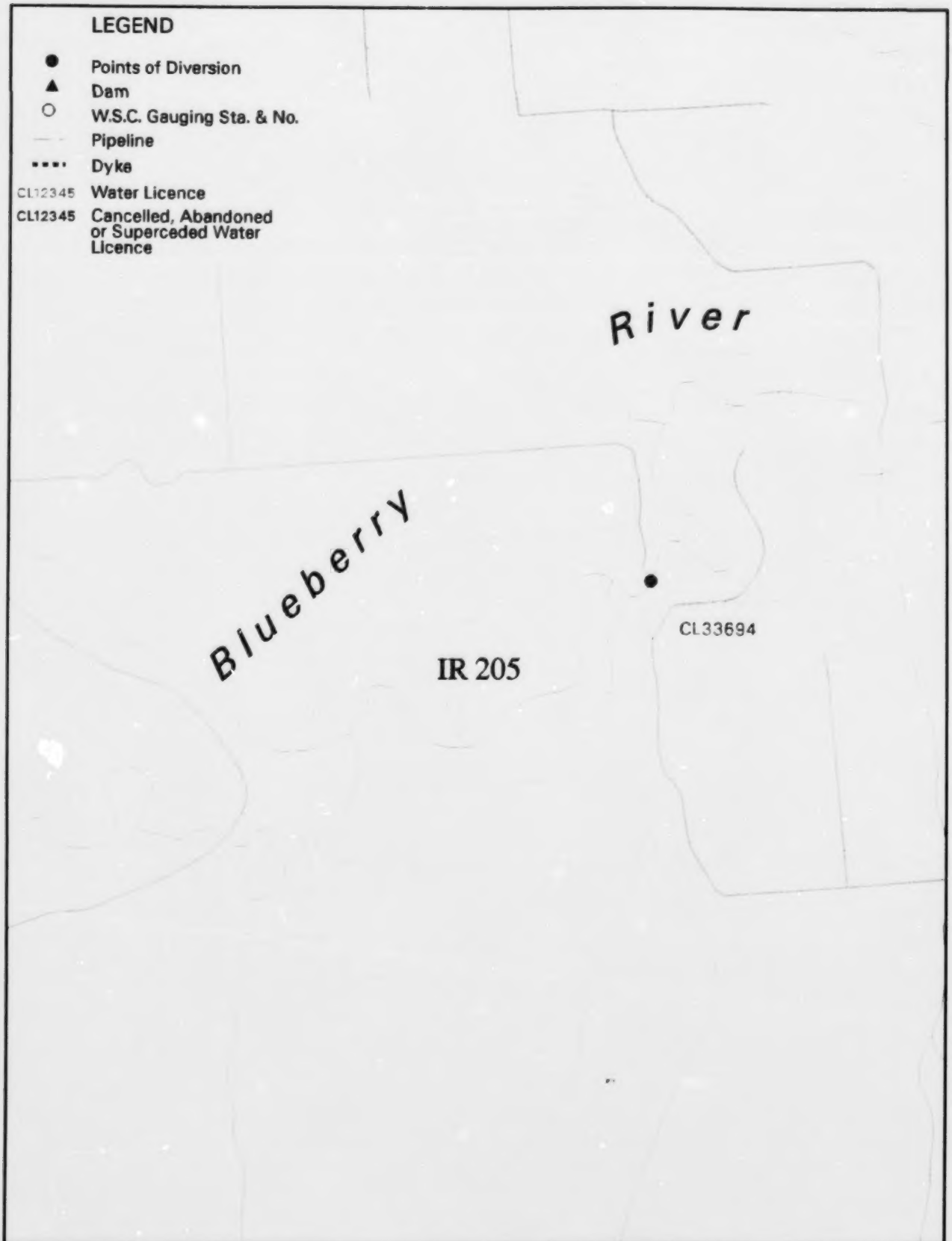
A - MANUAL GAUGE (SEE REFERENCE INDEX)
B - ICE CONDITIONS
E - ESTIMATED
* - EXTREME RECORDED FOR THE PERIOD OF RECORD

BLURTON CREEK NEAR MARA - STATION NO. 08LC025

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
1946	---	---	---	---	2.08	2.52	0.744	0.079	0.042	---	---	---	---	1946
1947	---	---	---	---	1.64	2.28	0.547	0.092	0.032	---	---	---	---	1947
1948	---	---	---	0.077	2.06	3.93	0.476	0.606	0.170	---	---	---	---	1948
1951	---	---	---	---	1.57	2.83	1.28	0.113	0.066	---	---	---	---	1951
1952	---	---	---	0.213	1.51	2.39	0.887	0.103	0.032	---	---	---	---	1952
1953	---	---	---	0.350	1.14	2.63	0.402	0.161	0.143	---	---	---	---	1953
MEAN	---	---	---	0.213	1.67	2.76	0.723	0.192	0.081	---	---	---	---	MEAN

LOCATION - LAT 50 40 45 N DRAINAGE AREA, 19.2 km²
LONG 119 02 45 W NATURAL FLOW



BLUEBERRY RIVER FIRST NATION

Scale: 1 : 50,000

Ministry of Environment, Lands & Parks | Date: April 2000 | Environment & Lands Division